

1888, art 60, sec. 9. 1860, art. 59, sec. 9. 1858, ch. 285, sec. 5.

**9.** If the defendant shall neglect to file his answer to the petition by the day named in the order of the judge after being served with notice thereof, the said judge shall thereupon proceed to hear the said petition *ex parte* within five days thereafter, and if he shall be of the opinion that the facts and law of the case authorize the granting of a mandamus as prayed, he shall thereupon without delay order a peremptory mandamus to issue and shall also adjudge to the petitioner his costs of suit.

Legg v. M. & C. C. of Annapolis, 42 Md. 203.

Ibid. sec. 10 1860, art. 59, sec. 10. 1858, ch. 285, sec. 5.

**10.** If the judge shall, upon such *ex parte* hearing, be of opinion that the facts and law of the case do not authorize the granting of a mandamus, he shall dismiss such petition with costs.

Legg v. Mayor & C. C. of Annapolis, 42 Md. 203.

Ibid. sec. 11. 1860, art. 59, sec. 11. 1858, ch. 285, sec. 6.

**11.** It shall not be lawful for any judge to order a mandamus to issue in the alternative, but in all cases where a mandamus shall be ordered to issue, it shall be peremptory in form.

Ibid. sec. 12. 1888, ch. 388.

**12.** In case of an appeal by the defendant, the court shall fix the penalty of the appeal bond necessary to be given to stay the execution or enforcement of the order appealed from.

## ARTICLE LXI.

### MANURES AND FERTILIZERS.

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| <ol style="list-style-type: none"> <li>1. Meaning of the terms "fertilizer"—"brand." "State Chemist."</li> <li>2. Conditions upon which fertilizers may be sold.</li> <li>3. Penalty for failure to comply with these conditions.</li> <li>4. Unlicensed dealers shall send names to agricultural college; also names of brands; penalty for failure.</li> <li>5. College to analyze samples and send result to dealers.</li> </ol> | <ol style="list-style-type: none"> <li>6. Manner of procuring and sending samples; analysis; penalty.</li> <li>7. Disposition of proceeds from licenses; proviso.</li> <li>8. Purchaser defrauded by labels may recover.</li> <li>9. Penalty for using trade mark of another or adulterating fertilizers.</li> <li>10. Cases to which this article does not apply.</li> <li>11. State's attorneys to prosecute for all violations of this article.</li> </ol> |
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